

Remarks

The Office Action dated April 8, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-34 are pending in this application. Claims 1-27 are subject to restriction and/or election requirement. Claims 28-34 are newly added.

Applicants submit that newly added Claims 28-34 are directed to a seal clamp and are part of the Group I claims.

In response to the Office Action dated April 8, 2004, Applicants, with traverse, elect for prosecution in this application all claims that belong to Group I, i.e., Claims 1-7, 16-22, and 28-34.

The requirement for election is traversed because the inventions set out by the claims in Groups I, II and III clearly are related. Applicant submits that a thorough search and examination of one Group would be relevant to the examination of the other Groups and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C.

Particularly, the Office Action has classified Group I and II a subcombinations disclosed as usable together but has not shown that the subcombinations are distinct from each other as required by MPEP § 806.05(d). The Office Action suggests that the apparatus of Group I has separate utility such as for use to aligning apertures in concentric tubes. Applicants respectfully disagree with this suggestion and submit that the seal clamp recited in Claims 1-7 cannot be used to align apertures in concentric tubes. The Office Action does not describe how it is possible that the seal clamp could be used to align apertures in concentric tubes. The seal clamp is designed

to seal openings in pipes. Accordingly, Applicants submit that Group I and Group II subcombinations are not distinct.

The Office Action has classified Group III and Group I as combination and subcombination. Applicants respectfully disagree with this classification. Applicants submit that the method recited in the claims of Group III is a method of use of the apparatus recited in the claims of Group I and the Office Action has not shown that the apparatus and method of use are patentably distinct. Further, if one considered Group III and Group I as combination and subcombination, Applicants submit that the combination requires the particulars of the subcombination.

Particularly, Claim 1 (subcombination) recites a "seal clamp assembly for sealing an opening in a piping system, said seal clamp comprising: a base comprising a first side, a second side and an aperture extending therethrough from said first side to said second side; a brace coupled to said base, said brace comprising a distal pad hingedly coupled to a distal end portion of said brace; a spring bridge coupled to said base first side, said bridge comprising a substantially rectangular U-shaped frame and an aperture extending through said spring bridge frame such that said spring bridge aperture is in substantial lineal alignment with said base aperture; and a clamping assembly coupled to a proximate end portion of said brace."

Claim 23 (combination) recites a method including the step of "providing a seal clamp assembly comprising a base comprising a first side, a second side and an aperture extending therethrough; a brace coupled to the base, the brace comprising a distal pad hingedly coupled to a distal end portion of the brace; a spring bridge coupled to the base first side, the bridge comprising a substantially rectangular U-shaped frame and an aperture extending through the spring bridge frame such that the spring bridge aperture is in substantial lineal alignment with

said base aperture; and a clamping assembly coupled to a proximate end portion of said brace."

Accordingly, Applicants submit that the combination require the particulars of the subcombination and therefore Group I and Group III are not patentably distinct.

The Office Action has classified Group III and Group II as combination and subcombination. Applicants respectfully disagree with this classification. Applicants submit that the method recited in the claims of Group III is a method of use of the apparatus recited in the claims of Group II and the Office Action has not shown that the apparatus and method of use are patentably distinct. Further, if one considered Group III and Group II as combination and subcombination, Applicants submit that the combination requires the particulars of the subcombination.

Particularly, Claim 8 (subcombination) recites a "seal clamp installation tool . . . comprising; a first plate comprising a first face, a second face opposite said first face, and an aperture extending through said first plate from said first face to said second face; a pole adapter extending perpendicularly from and fixedly attached to said first plate first face; a cylinder actuator comprising a body and a cylinder pole extending perpendicularly from an axial face of said body, said cylinder actuator replacably attached to said first plate first face such that said cylinder pole extends through said first plate aperture; and a second plate comprising a first face, said first face fixedly attached to a distal end of said cylinder pole."

Claim 23 (combination) recites a method that includes the step of "providing a seal clamp installation tool comprising a first plate comprising opposing first and second faces and an aperture extending therethrough; a pole adapter extending perpendicularly from and fixedly attached to the first plate first face; a cylinder actuator comprising a body and a cylinder pole extending perpendicularly from an axial face of the body, the cylinder actuator replacably

attached to the first plate first face such that the cylinder pole extends through the first plate aperture; and a second plate comprising a first face, the first face fixedly attached to a distal end of the cylinder pole". Accordingly, Applicants submit that the combination require the particulars of the subcombination and therefore Group II and Group III are not patentably distinct.

For the reasons set forth above, Applicants respectfully request reconsideration of the election requirement.

Applicants elect, with traverse, the species shown in Figure 12 for examination. Applicants respectfully submit that Claims 16-22 and 28-34 are readable upon the species shown in Figure 2.

The requirement for election is traversed because the species shown in Figure 12 and the species shown in Figure 2 clearly are related. Applicants submit that a thorough search and examination of the species shown in Figure 12 would be relevant to the examination of the species shown in Figure 2 and would not be a serious burden on the examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully

solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Tersillo", written over a horizontal line.

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